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Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, prepared pursuant to Council resolutions 15/21 and 32/32.

The Special Rapporteur provides an overview in section II of the activities he carried out during the first months of his mandate.

In section III, the Special Rapporteur lists the following global trends identified in the different regions with regard to the exercise of the rights to freedom of peaceful assembly and of association: (a) the use of legislation to suppress the legitimate exercise of freedom of peaceful assembly and of association; (b) the criminalization of, and indiscriminate and excessive use of force to counter or repress, peaceful protest; (c) the repression of social movements; (d) the stigmatization of, and attacks against, civil society actors; (e) restrictions targeting particular groups; (f) limitations on rights during electoral periods; (g) the negative impact of rising populism and extremism; and (h) obstructions encountered in the digital space.

The Special Rapporteur outlines his conclusions and recommendations in section IV.

* The present report was submitted after the deadline so as to include the most recent information.

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I. Introduction

1. The present report is submitted to the thirty-eighth session of the Human Rights Council by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 15/21 and 32/32.

2. This is the first thematic report of the Special Rapporteur, Clément Voule, following his appointment at the thirty-seventh session of the Council.

3. The Special Rapporteur is grateful to the previous mandate holders for the work carried out during the past seven years of the mandate.

4. In section II, the Special Rapporteur provides an account of his activities since he took up his role as mandate holder on 4 April 2018. In section III, based on communications acted upon under the mandate and the information received in the past seven years, the Special Rapporteur identifies global trends through his work in the different regions with regard to the exercise of the rights to freedom of peaceful assembly and of association. The conclusions and recommendations are detailed in section IV.

II. Activities of the Special Rapporteur

A. Country visits

5. Having only recently taken up his functions, the Special Rapporteur would like to remind all Governments that have received requests for country visits from previous mandate holders of his willingness to undertake such visits. The Special Rapporteur looks forward to receiving positive replies to the letters and reminders recently sent to several countries regarding country visits.

B. Participation in various events

6. In April 2018, the Special Rapporteur participated in an event held in Washington, D.C. and organized by the Civic Space Initiative to discuss possible future activities under the mandate, and to identify potential key thematic priorities.

7. In May 2018, the Special Rapporteur attended the Ninth Global Assembly of the World Movement for Democracy on "Building strategic partnerships for democratic renewal" in Dakar, and participated in a workshop on shaping an agenda for protecting freedom of peaceful assembly and of association, as a part of further consultations on the future road map and vision of the mandate.

8. In June 2018, the Special Rapporteur participated in the twenty-fifth annual meeting of special procedures.

9. During the first months of his tenure, the Special Rapporteur held numerous meetings with government officials of Permanent Missions and civil society actors in Geneva and with various mandate holders and representatives of regional human rights mechanisms.

III. Trends in relation to the exercise of the rights to freedom of peaceful assembly and of association based on communications sent and information received under the mandate

10. Since the establishment of the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, work on communications has been central

to the mandate holders' action when allegations of human rights violations that fall within the purview of the mandate have been brought to the attention of the Special Rapporteur.

11. Over the past seven years, six reports have been issued under the mandate, containing observations on communications transmitted to Governments and non-State actors and the replies received from them (A/HRC/20/27/Add.3; A/HRC/23/39/Add.2; A/HRC/26/29/Add.1; A/HRC/29/25/Add.3; A/HRC/32/36/Add.3; and A/HRC/35/28/Add.3). In addition, a total of 110 communications were sent under the mandate during the reporting period (1 March 2017–28 February 2018).[1] In total, 1,156 communications were sent, either individually or jointly with other mandate holders, addressing different aspects of the rights to freedom of peaceful assembly and of association.

12. Based on the communications sent under the mandate and the information received over the past seven years, the Special Rapporteur wishes to draw attention to global trends in the different regions with regard to the exercise of the rights to freedom of peaceful assembly and of association.

13. The identification of these trends relating to situations in which the exercise of the above-mentioned rights has not been possible will provide the Special Rapporteur with a sound foundation on which to base his future work and to establish the priorities for discharging his functions in the future.

14. Under the mandate, overall, 295 communications have been sent to the African Group; 478 to the Asia-Pacific Group; 96 to the Eastern European Group; 205 to the Latin American and Caribbean Group; 67 to the Group of Western European and other States; and 15 to various non-State actors.

15. The Special Rapporteur underlines that, in the interests of providing a broader and more balanced perspective of the exercise of the rights to freedom of peaceful assembly and of association, the current report should be read in conjunction with sections of other reports presented by his predecessors: in particular, the section on best practices that promote and protect the rights to freedom of peaceful assembly and of association, contained in the 2012 report of the Special Rapporteur (see A/HRC/20/27, paras. 12–100), and the section on achievements of civil society, contained in the 2017 report of the Special Rapporteur (see A/HRC/35/28, paras. 8–88).

16. In addition, the Special Rapporteur recognizes the work done by the United Nations High Commissioner for Human Rights through the report on "Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned" (A/HRC/32/20), which focuses on examples of practices that optimize the transformative potential of civil society.

17. Despite the fact that the various regions of the world are very diverse, common trends regarding the restriction of the rights to freedom of peaceful assembly and of association have been observed over the past seven years. Those trends are based on a number of factors that share certain characteristics worldwide.

18. Global challenges such as security threats, political instability, fragile political and governmental institutions, ethnic and religious divides, the resurgence of fundamentalist ideologies, unstable economies, harsh climatic conditions, polarized elections, inequality and discrimination, restrictions on access to justice and armed conflict are among the factors that have contributed to the limitation of the rights to freedom of peaceful assembly and of association globally.

19. Through the communications sent under the mandate and the information received, the Special Rapporteur was able to identify the following trends: (a) the use of legislation to suppress the legitimate exercise of the rights to freedom of peaceful assembly and of association; (b) the criminalization of, and indiscriminate and excessive use of force to counter or repress, peaceful protest; (c) the repression of social movements; (d) the

[1] No action was taken under the mandate between December 2017 and March 2018, as the post was vacant during that period.

stigmatization of, and attacks against, civil society actors; (e) restrictions targeting particular groups; (f) limitations on rights during electoral periods; (g) the negative impact of rising populism and extremism; and (h) obstructions encountered in the digital space.

A. Use of legislation to suppress the legitimate exercise of the rights to freedom of peaceful assembly and of association

20. The Special Rapporteur has observed the introduction of limitations on civic space through the adoption of restrictive legislation regulating space and the rights to freedom of peaceful assembly and of association, and the use of national security, counter-terrorism and public order laws to suppress freedom of peaceful assembly and of association.

Security and counter-terrorism legislation

21. All over the world, national security concerns have given rise to the adoption of legislation. In some instances, laws or amendments or revisions thereto have threatened the enjoyment of the freedom of peaceful assembly and of association by restricting human rights. Examples in this regard include declarations of a state of emergency, sometimes without adequate justification, the use of vague wording to define acts of terrorism and threats to public security, and broad legal provisions that allow for the abusive interpretation of limitations on the rights to freedom of peaceful assembly and of association.

22. The mandate holders have underlined the need for States to comply with international human rights law while countering terrorism and ensuring public security. Under article 21 of the International Covenant on Civil and Political Rights, any restrictions to the exercise of the rights of peaceful assembly and of association must both pursue a legitimate interest and be necessary in a democratic society.

23. A review of the communications sent under the mandate shows that some Western European countries have taken administrative and legislative measures to counter threats and acts of terrorism that have led to: the adoption of vaguely worded legislation; extended practices established under a state of emergency; increased discretionary executive powers; the banning or restriction of assemblies; increased levels of surveillance and reduced levels of judicial oversight; and the restriction or dissolution of associations.[2] The mandate holders have also raised concerns about draft legislation that would restrict human rights, including the rights to freedom of peaceful assembly and of expression in countries of the Group of Western European and other States.[3]

24. Concerns were also raised under the mandate regarding vague wording in the counter-terrorism legislation of one country in Eastern Europe, which could have broad implications for the exercise of the rights to freedom of opinion, of expression and of association.[4]

25. In the Middle East and North Africa, the enactment of new counter-terrorism laws in some countries has raised concerns regarding the continued repression of activists and dissidents. In particular, with the adoption of new laws on terrorism, certain countries have increasingly targeted civil society activists and human rights defenders through legal proceedings and other administrative measures, such as the imposition of travel bans, as a means to harass and intimidate them and to impede their work in the defence of human rights. Similarly, the mandate holders have witnessed the introduction of amendments to counter-terrorism laws that undermine several rights, including the rights to freedom of peaceful assembly and of association in certain countries. With regard to several States,

[2] For details of all communications sent and information received under the mandate, see https://spcommreports.ohchr.org/Tmsearch/TMDocuments. For the cases mentioned here, see specifically France: FRA 7/2015; Spain: ESP 3/2015; United Kingdom of Great Britain and Northern Ireland: GBR 4/2015 and GBR 2/2016.

[3] See United States of America: USA 3/2017; Canada: CAN 1/2015.

[4] See Latvia: LVA 1/2016.

concern was reiterated under the mandate regarding counter-terrorism legislation that could be used abusively to restrict individuals' liberties, in particular by introducing a broad definition of the term "terrorism".[5]

26. In Africa, some States used public order and counter-terrorism legislation or states of emergency to target journalists, bloggers, human rights defenders and opposition politicians, and to enforce undue limitations on assembly and association rights.[6]

27. Similar worrying trends were registered in some Latin American countries. Concerns were raised under the mandate regarding the possible misuse of counter-terrorism legislation to curb freedom of peaceful assembly and of association, especially in relation to imprecise definitions of terrorism and/or organized crime, political extremism and concepts such as attacks against the stability of the democratic system with the aim of subverting the functioning of its institutions.[7] Other issues of concern included the use of public order offences drafted in an ambiguous and overly broad manner and the granting of broad powers to State security forces to dissolve assemblies.[8]

Restrictive laws targeting civil society and the rights to freedom of peaceful assembly and association

28. The other major legislative trend affecting the rights to freedom of peaceful assembly and of association is the narrowing of an enabling environment for civil society through the adoption of restrictive laws regulating civic space. Repressive legislation is used to crack down on dissent, by creating a complex legal environment with burdensome requirements relating to the functioning of civil society organizations and groups. In the name of transparency, associations are required to comply with complicated, restrictive and invasive regulations in order to operate. Such laws often contain clauses that threaten associations with deregistration, loss of legal existence or even criminal prosecution for non-compliance. This has the effect of destabilizing and intimidating associations by generating confusion and increasing the administrative burden of continuing their activities, while instilling fear of action among their members.

29. The communications sent in this regard show that increased restrictions and obstacles imposed on civic space have particularly targeted organizations active in the promotion and protection of human rights. This trend translates into the rise of legal and administrative provisions designed to hinder civil societies' human rights activities.

30. Furthermore, some restrictions require non-governmental organizations (NGOs) to align their activities with government policies, with heavy sanctions for NGOs that fail to do so. Some legislation also excludes certain areas of work, by broadly labelling them as "political" or "harmful to national security".

31. Communications were sent to various African countries concerning the use of such legislation to restrict the work of civil society organizations by imposing restrictions on the type of activities that can be carried out by NGOs, and on access to funding and registration.[9] Communications were also sent under the mandate to States considering draft legislation that gave rise to concerns regarding the undue limitation it would place on the right to assemble peacefully and the restrictions it would impose on civil society groups.[10] Some of the legislation even entailed the criminalization of unregistered associations and the introduction of broad and discretional grounds for revocation of registration.[11] In

[5] See Saudi Arabia: SAU 4/2016 and SAU 8/2016; Egypt: EGY 11/2015; Tunisia: TUN 1/2015; Bahrain: BHR 5/2013.

[6] See Ethiopia: ETH 4/2011, ETH 6/2011, ETH 6/2012 and ETH 6/2016; Uganda: UGA 1/2013; Cameroon: CMR 2/2014; Kenya: KEN 7/2014.

[7] See Brazil: BRA 8/2015 and BRA 3/2014; Guatemala: GTM 8/2018; Bolivarian Republic of Venezuela: VEN 2/2012, VEN 1/2015 and VEN 7/2016.

[8] See Chile: CHL 5/2012; Paraguay: PRY 1/2013; Mexico: MEX 5/2017.

[9] See Burundi: BDI 4/2012; Kenya: KEN 8/2013; Nigeria: NGA 4/2014; Mauritania: MRT 3/2015; Uganda: UGA 1/2015 and UGA 2/2017; Democratic Republic of the Congo: COD 2/2017.

[10] See Burundi: BDI 4/2012; Uganda: UGA 1/2013.

[11] See South Sudan: SSD 1/2013, SSD 1/2014 and SSD 1/2015.

extreme instances, authorities suspended or deregistered organizations, often on grounds of alleged non-compliance with existing legislation. Associations were often suspended or closed on the grounds that they were not in compliance with recently adopted legislation imposing new requirements on NGOs, such as registration certificates or any other requirement broadly interpreted by governmental bodies.[12]

32. Communications relating to certain Eastern European Group countries highlight examples of such restrictions in the form of burdensome registration requirements and cumbersome rules regarding funding, including inspections and excessive reporting requirements to the Government, all of which have a detrimental effect on freedom of peaceful assembly and of association.[13] In some cases, the adoption of legislation introducing such rules and regulations was blocked following strenuous advocacy efforts on the part of civil society organizations.[14]

33. Communications were also sent to Latin American countries that had adopted regressive legislation ambiguously defining the term "association" and introducing additional requirements that exceeded those prescribed under international human rights law. In some situations, the mandate holders registered undue State interference that endangered the independence of associations, and that even resulted in the shutting down of some organizations. On a number of occasions, the mandate holders raised serious concerns regarding illegitimate limitations on the right to peaceful assembly through newly adopted laws.[15]

34. The restriction of access to funding, particularly foreign funding, is of particular concern. Despite the fact that States have recognized on multiple occasions that resources are necessary for the existence and sustainable operation of associations, there is a clear tendency to discriminate against and stigmatize organizations that receive foreign funding. Beyond suspension and dissolution measures for failure to comply with the established requirements, organizations are open to criminal prosecution. The common argument used by Governments to justify restrictions on foreign funding is that it is necessary in order to protect State sovereignty from outside interference. This argument deliberately stigmatizes associations that use foreign funding, by equating their objectives with those of foreign agents. It deliberately fails to recognize the legitimate work carried out by associations and their contribution to national development, merely because they are funded by foreign sources.

35. Communications raising concerns about restrictions on funding and stigmatization of associations receiving foreign funding were sent to countries across all regions. Of particular concern were States that labeled associations as foreign agents.[16]

36. In some Asian countries, laws regulating the use by NGOs of foreign donations imposed serious limitations on the right to freedom of association by increasing the administrative burden on NGOs.[17] In addition, draft laws targeting foreign organizations in particular were highlighted under the mandate.[18]

37. In recent years, there has been a trend in some countries towards restricting protests through the adoption of restrictive legislation. Several laws that were discussed or adopted included provisions that significantly limited the ability of ordinary individuals to express political dissent and criticism through peaceful protests and related activities, and could

[12] See Burundi: BDI 1/2017; Sudan: SDN 1/2013; Swaziland: SWZ 2/2012; Zambia: ZMB 2/2014; Zimbabwe: ZWE 4/2012 and ZWE 8/2012.

[13] See Russian Federation: RUS 12/2011 and RUS 13/2013; Belarus: BLR 10/2011; Azerbaijan: AZE 3/2013; Tajikistan: TJK 6/2014 and TJK 2/2016; Kyrgyzstan: KGZ 2/2013, KGZ 1/2014, KGZ 5/2014 and KGZ 2/2015.

[14] See Kyrgyzstan: KGZ 2/2013, KGZ 5/2014, KGZ 1/2014 and KGZ 2/2015.

[15] See Plurinational State of Bolivia: BOL 3/2014; Ecuador: ECU 1/2013, ECU 2/2013, ECU 4/2013, ECU 2/2014, ECU 4/2015, ECU 2/2016 and ECU 8/2016; Guatemala: GTM 1/2014 and GTM 8/2018; Mexico: MEX 5/2017; Peru: PER 2/2015.

[16] See Russian Federation: RUS 12/2011, RUS 5/2012 and RUS 13/2013.

[17] See Bangladesh: BGD 3/2014 and BGD 7/2012.

[18] See China: CHN 2/2015.

have a disproportionately chilling effect on minorities, activists, members of the political opposition and other vulnerable groups reliant on such peaceful means to convey their opinions and views.[19]

38. Communications were also sent regarding legislative amendments or reforms that were adopted to increase fines and criminalize breaches of the regulations regarding the organization of and participation in peaceful assemblies. Such changes introduced harsh restrictions on public gatherings, and provisions relating to blanket bans, geographical restrictions, mandatory notifications and authorizations based on the message of assemblies or on traffic flow considerations.[20] Those amendments and reforms were considered to be intrusive restrictions that exceeded the criteria of necessity and proportionality.

B. Criminalization of, and indiscriminate and excessive use of force to counter or repress, peaceful protest

39. The mandate holder strongly advocated ensuring that no one is criminalized for exercising the rights to freedom of peaceful assembly and of association, or is subjected to threats of, or actual, violence, harassment, persecution, intimidation or reprisals for exercising those rights. The right to peaceful protest is a fundamental pillar of democratic governance and open societies, through which individuals and groups are able to express their opinions about issues of public interest. By exercising this right, in an enabling environment, individuals and groups are able to shape public debate and improve overall governance. The right to freedom of peaceful assembly is an essential tool through which individuals and groups can make known their views to those governing them, in order to shape public policies and decisions affecting society as a whole. It provides those in government with a barometer that can assist them to calibrate and adjust their policies and decisions. However, in some contexts, the exercise of this right is viewed as a threat to governance and public order.

40. In 2016, a joint report was prepared under the mandate together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, on the proper management of assemblies (A/HRC/31/66). In the report, the Special Rapporteurs noted that, despite the increasingly prominent role that assemblies played, there remained a lack of clear understanding of the applicable international human rights law and standards. The report contains a compilation of practical recommendations, organized around 10 overarching principles for the proper management of assemblies, and a summary of the applicable international legal standards, followed by practical recommendations on how those principles should be implemented, with the aim of ensuring better protection of the various rights of those engaged in assemblies and associations.

41. Indiscriminate and excessive use of force by law enforcement authorities to counter or repress peaceful protest was recorded in countries across all regions.

42. Communications were sent to countries of the Eastern European Group and the Asia-Pacific Group regarding the use by security forces of excessive force to repress assemblies.[21] Peaceful assemblies were prohibited in several countries and the practice of authorities requiring notification as a precondition for organizing protests was increasingly widespread.[22] Protestors were detained and criminalized for taking part in peaceful assemblies in several countries in the above-mentioned regions.[23]

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[19] See Azerbaijan: AZE 5/2012; Russian Federation: RUS 7/2016.

[20] See Poland: POL 1/2012; Spain: ESP 1/2015, ESP 3/2015 and ESP 1/2015; Montenegro: MNE 1/2015.

[21] See Armenia: ARM 1/2015; Azerbaijan: AZE 2/2012; Georgia: GEO 1/2011; Kazakhstan: KAZ 5/2011; Russian Federation: RUS 13/2011; Ukraine: UKR 1/2014.

[22] See Russia: RUS 14/2013; Kazakhstan: KAZ 2/2015; Uzbekistan: UZB 3/2016.

[23] See Armenia: ARM 1/2015; Azerbaijan: AZE 2/2013; Uzbekistan: UZB 1/2012; Kazakhstan: KAZ 2/2015 and KAZ 2/2016; the former Yugoslav Republic of Macedonia: MKD 2/2015; Belarus: BLR 1/2017.

43. Similarly, a number of cases were registered in countries of the Group of Western European and other States.[24] Of particular concern was the repression of peaceful protestors in the context of occupation and self-determination.[25]

44. The communications sent by the mandate holders indicated that assemblies were also restricted in some African Group countries,[26] where security forces often used violence as a first resort to disperse assemblies, which were mostly peaceful.[27] Authorities equated peaceful protest movements with threats to security and public order and granted security forces sweeping powers to curb protests. Consequently, many protestors were arbitrarily arrested and detained,[28] as well as criminalized for taking part in peaceful protests. Additionally, numerous cases of torture and ill-treatment of protestors were reported.[29] In some cases, the excessive use of force by security forces during protests resulted in killings and injuries.[30]

45. The mandate holders expressed concern regarding the indiscriminate and excessive use of force against peaceful protesters in various countries in the Asia-Pacific region. The protests in question covered issues such as freedom of religion, forced evictions, environmental rights, and the rights of indigenous peoples and ethnic minorities.[31] There was a clear trend of violent repression of peaceful protests in some countries in the Middle East. The mandate holders expressed concern at what appeared to be the growing criminalization in a number of those countries of civil society activists for their role in peaceful protests.

46. A growing trend of criminalization of protests was registered in certain Latin American countries, where the exercise of rights may result in charges of terrorism or treason, with very limited access to justice, and in the brutal repression of peaceful demonstrations.[32]

C. Repression of social movements

47. Across the globe, individuals took to the streets to protest against corruption, the high cost of living, inequality, marginalization and the lack of access to resources, opportunities and democratic space in which to voice their views. Many of those protests involved youth, and began as spontaneous reactions to decisions that were seen as compounding long-standing and unresolved grievances of the population. In several instances, the mandate holders issued communications regarding the repression of such movements, which were perceived by certain Governments as threatening public order and stability.

48. The mandate holders also noted that individuals' engagement in the natural resources exploitation sector was notoriously difficult, given the secrecy of the corresponding decision-making processes and outcomes, the lack of mechanisms through which interested parties could express their concerns, the often highly technical nature of discussions held and the financial stakes involved. That opaque environment made for conditions in which corruption could thrive, and prompted decision makers to disregard the

[24] See Spain: ESP 2/2012; Turkey: TUR 3/2013.

[25] See Spain: ESP 2/2012.

[26] See Cameroon: CMR 1/2012; Kenya: KEN 1/2013.

[27] See Angola: AGO 5/2013; Djibouti: DJI 2/2015; Guinea-Bissau: GNB 1/2017; Kenya: KEN 3/2014 and KEN 13/2017; Madagascar: MDG 2/2012; Mauritania: MRT 1/2017; Senegal: SEN 1/2012.

[28] See Angola: AGO 2/2013 and AGO 3/2013; Cameroon: CMR 2/2012 and CMR 2/2016; Kenya: KEN 1/2015; Sudan: SDN 1/2012 and SDN 5/2017; Swaziland: SWZ 2/2015; Zimbabwe: ZWE 2/2012 and ZWE 3/2013.

[29] See Angola: AGO 2/2011; Cameroon: CMR 2/2012 and CMR 4/2017; Sudan: SDN 4/2012.

[30] See Ethiopia: ETH 5/2014; Malawi: MWI 3/2011; Sudan: SDN 5/2012, SDN 7/2013 and SDN 5/2016; Togo: TGO 1/2016.

[31] See China: CHN 11/2016, CHN 7/2013 and CHN 10/2012; Nepal: NPL 1/2017.

[32] See Cuba: CUB 2/2012 and CUB 6/2012; Brazil: BRA 1/2013, BRA 3/2013 and BRA 3/2014; Guatemala: GTM 6/2012; Nicaragua: NIC 6/2015; Panama: PAN 7/2012; Bolivarian Republic of Venezuela: VEN 2/2012 and VEN 4/2014.

voices of less visible groups or actors. In that regard, the mandate holders registered a considerable number of communications around the globe in which there was a clash of interests between civil society groups, private businesses and the State regarding the exploitation of natural resources.

49. The rights to freedom of peaceful assembly and of association play a key role in opening up spaces and opportunities for genuine and effective engagement by civil society actors in decision-making processes across the spectrum of natural resource exploitation activities. These rights help to foster increased transparency and accountability in the exploitation of resources, and are basic prerequisites for the ultimate goal of securing substantive rights. Peaceful assembly and association rights can facilitate constructive dialogue, which is necessary given the shared interests and sometimes competing priorities that are intrinsic to exploiting natural resources (see A/HRC/29/25, para. 10).

D. Stigmatization of, and attacks against, civil society actors

50. Under the mandate, numerous reports were received concerning violations of the rights of human rights defenders, activists, community leaders and other civil society actors who were forced to carry out their legitimate activities in an increasingly hostile environment. That environment includes restrictive legislation regarding registration and the receipt and use of foreign funding by NGOs and associations (see sect. III (B)), and a growing trend of threats, harassment, intimidation and even acts of violence committed by both State and non-State actors.

51. In particular, there was an increase in the criminalization of human rights defenders' activities, manifested in arbitrary detentions and, in some cases, ill-treatment and torture in custody, and a worrying number of alleged reprisals against persons who sought to cooperate, or cooperated, with the United Nations system and with other regional human rights mechanisms. Under the mandate, threats against human rights defenders, including members of associations, are considered to be a grave source of concern, not only for the individuals affected, but more generally for the message they send to other civil society actors and individuals who wish to engage in human rights work and express dissenting views (see A/HRC/29/25/Add.3, para. 510).

52. A report issued under the mandate in 2017 drew attention to the targeting of human rights defenders and political activists in the Middle East and North Africa for peacefully carrying out their human rights activities and for legitimately exercising their rights to freedom of expression, of association and of peaceful assembly, both online and offline. Communications sent addressed the use of travel bans, asset-freezing and allegations of torture and ill-treatment by officials, often used to obtain confessions during interrogation (see A/HRC/35/28/Add.3, para. 508). In a few cases, mandate holders reiterated their grave concern at the serious escalation of the crackdown on independent civil society, including human rights defenders, lawyers, trade unions, journalists, political opponents and protesters, and at the pattern of increasing violence against, and restrictions on, civil society and human rights organizations, including massive waves of arrests and, in one situation, the mass imposition of death sentences for charges of unlawful gathering.[33]

53. A number of worrying practices were observed regarding the politically motivated repression of activists in several countries in Eastern Europe and Central Asia, including their surveillance, interrogation, arrest and sentencing on the basis of trumped-up charges, the freezing of their assets and the imposition of travel bans against them. Numerous human rights defenders were charged under counter-terrorism legislation regarding activities considered to threaten State security. In a few countries, a real strategy of persecution of activists was observed, involving the instillation of a climate of fear and leading to self-

[33] See Egypt: EGY 12/2011, EGY 13/2011, EGY 2/2012, EGY 16/2013, EGY 19/2013, EGY 14/2014, EGY 9/2014, EGY 4/2015, EGY 16/2015 EGY 17/2015, EGY 1/2016, EGY 2/2016, EGY 4/2016, EGY 5/2016, EGY 6/2016, EGY 7/2016, EGY 8/2016, EGY 10/2016, EGY 1/2017, EGY 3/2017, EGY 4/2017, EGY 7/2017, EGY 14/2017 and EGY 16/2017.

censorship. Numerous communications highlighting a pattern of discriminatory campaigns to silence dissent were sent.[34]

54. A number of communications were sent to Governments of Western European countries, raising issues relating to the non-refoulement of individuals potentially at risk of torture or ill-treatment upon forced return to their country of origin.[35] In other countries of the Group of Western European and other States, certain cases of the targeting of human rights defenders involved the unlawful surveillance of organizations.[36]

55. Similarly, a worrying number of communications underlined a widespread pattern of attacks against human rights defenders in some countries in Africa. Trends indicated common strategies adopted by the authorities to intimidate and silence human rights defenders, protestors and journalists. Measures taken against such individuals included threats, death threats, physical attacks, smear and defamation campaigns, arbitrary arrests and detentions, and criminalization under fabricated charges, often relating to alleged breaches of public order, as a part of unfair trials. The number of killings and enforced disappearances registered during the reporting period, and the level of impunity relating to those crimes, often perpetrated by officials, were of particular concern. Against that background, numerous communications were sent to various countries in the region.[37]

56. A considerable number of communications sent to countries in the Latin American and Caribbean region highlighted a pattern of attacks against human rights defenders and other civil society actors, who increasingly faced violations of the rights to freedom of peaceful assembly and of association. Human rights defenders and other civil society actors were targeted because their activities were perceived as posing a threat to national security, or as being contrary to public order. Many of those actors were environmental human rights defenders, including members of indigenous peoples and peasants, who opposed projects involving the extraction or exploitation of natural resources.

57. In Asia, environmental human rights defenders were increasingly at risk. They were the target of threats and violations, including killings, for their peaceful and legitimate work in the defence of human rights, particularly in the context of natural resource exploitation projects.[38] Concerns were raised in particular regarding those who campaigned peacefully against large-scale mining projects that infringed on the rights of communities.[39] Communications regarding environmental human rights defenders were also sent.[40]

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[34] See Azerbaijan: AZE 2/2011, AZE 3/2011, AZE 4/2012, AZE 4/2013, AZE 5/2013, AZE 2/2014, AZE 3/2014, AZE 4/2014, AZE 5/2014, AZE 2/2015, AZE 3/2015, AZE 4/2015, AZE 5/2017 and AZE 5/2017; Belarus: BLR 6/2011, BLR 7/2011, BLR 9/2011, BLR 2/2012, BLR 3/2012, BLR 4/2012, BLR 1/2013, BLR 2/2013 and BLR 2/2017; Kazakhstan: KAZ 2/2012, KAZ 3/2012, KAZ 1/2015, KAZ 1/2016, KAZ 3/2016, KAZ 4/2016 and KAZ 2/2017; Uzbekistan: UZB 1/2013, UZB 2/2014, UZB 3/2015 and UZB 4/2015.

[35] See France: FRA 1/2012; Netherlands: NLD 3/2012; United Kingdom of Great Britain and Northern Ireland: GBR 2/2014; Italy: ITA 4/2015.

[36] See Canada: CAN 2/2015.

[37] See Angola: AGO 2/2015 and AGO 3/2015; Burundi: BDI 3/2012, BDI 1/2014 and BDI 2/2017; Cameroon: CMR 6/2012, CMR 1/2015, CMR 1/2017, CMR 3/2017 and CMR 5/2017; Chad: TCD 1/2017; Congo: COG 1/2017; Côte d'Ivoire: CIV 1/2014; Democratic Republic of the Congo: COD 4/2012; Djibouti: DJI 2/2011, DJI 1/2014, DJI 1/2015, DJI 1/2016 and DJI 1/2017; Ethiopia: ETH 4/2011, ETH 4/2012, ETH 3/2014, ETH 7/2014 and ETH 2/2015; Guinea: GIN 3/2015; Kenya: KEN 1/2012, KEN 3/2013, KEN 4/2013, KEN 5/2013, KEN 6/2014, KEN 2/2015 and KEN 1/2017; Malawi: MWI 4/2011, MWI 2/2015 and MWI 1/2017; Nigeria: NGA 1/2014 and NGA 2/2013; Senegal: SEN 2/2011; Mauritania: MRT 2/2012, MRT 1/2016 and MRT 2/2016; Mozambique: MOZ 1/2016; Rwanda: RWA 2/2014, RWA 2/2015 and RWA 1/2016; Sierra Leone: SLE 1/2011 and SLE 2/2015; Somalia: SOM 2/2013, SOM 6/2013, SOM 1/2016, SOM 2/2016 and SOM 1/2017; South Africa: ZAF 1/2016; Sudan: SDN 3/2012, SDN 7/2012, SDN 4/2013, SDN 1/2014, SDN 3/2014, SDN 4/2014, SDN 1/2015, SDN 2/2015, SDN 2/2016, SDN 6/2016, SDN 9/2016 and SDN 1/2017; Uganda: UGA 2/2016 and UGA 5/2016; Zambia: ZMB 2/2013; Zimbabwe: ZWE 3/2011, ZWE 5/2011, ZWE 7/2011, ZWE 5/2012, ZWE 1/2013, ZWE 1/2014 and ZWE 1/2015.

[38] See Philippines: PHL 7/2012 and PHL 2/2014.

[39] See Philippines: PHL 7/2012.

[40] See India: IND 19/2011 and IND 7/2015; Thailand: THA 2/2016; Viet Nam: VNM 7/2016.

E. Restrictions targeting particular groups

58. The enjoyment of the rights to freedom of peaceful assembly and of association is especially important for groups who find themselves at particular risk because they constitute a minority or are marginalized. The exercise of these rights is essential to reaffirm the identity of these groups and to ensure that their interests are taken into account. To promote stability and social cohesion, it is important to enforce the rights of these groups to peaceful assembly and association in a safe and conducive environment. To that end, the mandate holder closely studied and devoted particular attention to the exercise of the rights to freedom of peaceful assembly and of association by particular groups and individuals, including those most at risk. The mandate holder acknowledged that those groups most at risk shared the experience of discrimination, unequal treatment and harassment, and described those groups based on their level of marginalization in the exercise of the rights to freedom of peaceful assembly and of association. Some of the groups that were considered to be most at risk were: persons with disabilities; youth, including children; women; lesbian, gay, bisexual, transgender and intersex people; members of minority groups; indigenous peoples; internally displaced persons; and non-nationals, including refugees, asylum seekers and migrant workers (see A/HRC/26/29, para. 10).

59. On numerous occasions, the mandate holders expressed concern about the use of police violence, harassment and judicial intimidation against assemblies held by women in different parts of the world. For instance, in some countries of the Asia-Pacific, Latin American and African regions, allegations of acts of violence against and harassment and arrest of female land-rights activists were registered. One case of alleged detention of a large group of women human rights defenders for peacefully protesting against the building of a dam was also recorded. A case in which opposition groups led by women were targeted by security forces while peacefully demonstrating for the rights of detainees was also taken up, as was the case of the beating and arrest of women from a local organization after staging a peaceful demonstration outside a parliament (see A/HRC/26/29, para. 42).

60. Lesbian, gay, bisexual, transgender and intersex defenders and activists are particularly vulnerable to physical attacks and are at risk of arrest, detention and harassment from the authorities and from non-State actors. Numerous communications relating to different countries in Africa, Eastern Europe, Central Asia, Asia-Pacific, Latin America and the Caribbean were sent under the mandate regarding violations of the rights to freedom of association and of assembly of individuals based on their sexual orientation or their advocacy for the rights of lesbian, gay, bisexual, transgender and intersex persons. These violations include: the denial of registration of lesbian, gay, bisexual, transgender and intersex organizations; the disruption or banning of peaceful events organized by lesbian, gay, bisexual, transgender and intersex associations; the arbitrary arrest and detention of lesbian, gay, bisexual, transgender and intersex persons; arbitrary differences in the policing of peaceful assemblies; and the illegal surveillance of associations advocating lesbian, gay, bisexual, transgender and intersex rights, among others.[41]

61. Several communications addressed alleged restrictions on religious freedom and the right to assemble, worship and practise a religion of members of minority faiths in countries belonging to the Eastern European Group.[42]

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[41] See Tunisia: TUN 1/2016; Bosnia and Herzegovina: BIH 1/2014; Georgia: GEO 1/2013; Kosovo: KSV 1/2013; the former Yugoslav Republic of Macedonia: MKD 1/2013 and MKD 2/2013; Republic of Moldova: MDA 3/2012 and MDA 2/2013; Russian Federation: RUS 12/2011and RUS 4/2013; Serbia: SRB 1/2013; Ukraine: UKR 3/2012; Botswana: BWA 2/2013; Cameroon: CMR 3/2013; Nigeria: NGA 5/2011, NGA 4/2013 and NGA 1/2014; Uganda: UGA 5/2012, UGA 1/2014 and UGA 6/2016; Zambia: ZMB 4/2015; Zimbabwe: ZWE 6/2012 and ZWE 9/2012; Haiti: HTI 1/2013 and HTI 2/2016; Colombia: COL 10/2012; Costa Rica: CRI 2/2012; Ecuador: ECU 3/2014; Honduras: HND 3/2015 and HND 6/2017; Bolivarian Republic of Venezuela: VEN 5/2014.

[42] See Armenia: ARM 1/2011; Hungary: HUN 2/2011; Kazakhstan: KAZ 1/2014; Kyrgyzstan: KGZ 3/2015; Republic of Moldova: MDA 1/2015; Russian Federation: RUS 6/2015 and RUS 2/2017.

62. A significant number of communications concerned the use of force against individuals for exercising their rights to freedom of peaceful assembly and of expression in countries of the Asia-Pacific region. Most of those communications pertained to demonstrations held by members of ethnic or other minorities.[43]

63. The mandate holder also raised concerns over legislation that explicitly excludes individuals or groups from forming associations on the basis of prohibited grounds, constituting a violation of their rights. For example, in some countries, migrant workers are explicitly prohibited from forming and/or joining trade unions.

64. Other practices not directly related to the right to freedom of peaceful assembly may also be used to keep certain groups from freely exercising that right. Those practices can affect youth and include: the expulsion of students from universities for participating in peaceful protests; the arrest and detention of, and excessive use of force against, students peacefully calling for the freedom to study in their native language; the threat of revocation of residency, refugee or asylum status for participating in peaceful demonstrations; the existence of institutional obstacles that prevent demonstrators from receiving competent legal assistance if charged with an assembly related crime (including the harassment and intimidation of lawyers who provide such assistance); and the threat of termination of employment (and legal residency status linked to employment in some circumstances) for participating in peaceful protests, for foreigners and migrants (see A/HRC/26/29, para. 47).

65. In many resource-rich countries in different regions, the mandate holder noted a considerable number of confrontations between non-indigenous rural dwellers and indigenous groups, or between indigenous groups and extractive businesses and the State that have led to criminal prosecution after demonstrations, or the use of excessive force when responding to protests from groups opposing evictions or other projects. Another worrying trend noted by the mandate holder was the prosecution of demonstrators.

F. Limitations on rights during electoral periods

66. Elections are a unique moment in the democratic life of any State, determining the direction of policies and priorities. No other event better exemplifies the right to public participation. And no other time requires more robust exercise and protection of the freedoms of assembly and of association. The context of elections may also have a significant impact on the rights to freedom of peaceful assembly and of association. This is particularly the case when assemblies are systematically prohibited, or when individuals active in associations promoting transparent and fair electoral processes and defending democratic principles are subject to harassment and intimidation for their civic activism.

67. In 2013, significant attention was devoted to this issue under the mandate, and a full report was presented documenting numerous threats to the freedoms of assembly and expression in the context of elections (A/68/299).

68. The most critical finding of the report was that elections do not take place in a vacuum and cannot be judged solely by what happens during the vote. The mandate holder paid special attention to events that occur before and after elections, and surveyed the long-term rights landscape, particularly regarding the rights to freedom of peaceful assembly and of association. During elections, people should be given more, rather than less, space in which to exercise their assembly and association rights. The mandate holder highlighted the fact that electoral periods were an important time to build democratic, responsive and accountable institutions, and that very strict and clear safeguards should be put in place by States to prevent undue interference in public freedoms (see A/68/299, para. 56).

69. While elections were peaceful in some countries, they crystallized pre-existing social and political unrest in other countries, leading to increased tensions. That was particularly true in States where, due to a democratic deficit, it was unlikely that power would be handed over.

[43] See Morocco: MAR 1/2012, MAR 5/2014, MAR 6/2015 and MAR 5/2016; Myanmar: MMR 8/2013, MMR 9/2013, MMR 13/2013 and MMR 5/2016.

70. With regard to Asian countries, concerns were raised about the growing trend of suppression of criticism against Governments, whether by political parties or NGOs, which seemed to be precipitated by forthcoming elections in an attempt to silence and intimidate critical voices. Communications concerning countries in the Middle East addressed significant restrictions on the rights of association and expression, in the form of Internet shutdowns, the closure of media outlets and arrests of journalists and human rights defenders.

71. In Africa, the significant number of communications sent indicated an alarming increase in the restriction of civic space in the context of elections.[44] Governments used excessive force to crack down on protests across the continent, justifying the use of force by pointing to social unrest, but triggering further reaction from the populace. The harsh repression of protests led to numerous victims of extrajudicial killings, cases of arbitrary arrest and detention, and disappearances. Numerous political opponents and human rights defenders advocating political change faced judicial, physical and verbal harassment during election periods, preventing them from engaging in electoral activities. In certain countries, peaceful protests were the subject of blanket restrictions and were severely repressed, amid political tensions triggered by the electoral period. In other countries, numerous violations of assembly and association rights were reported.

72. In addition, a number of communications addressed the arbitrary arrests and detention of human rights defenders, restrictions of assemblies and the excessive use of force leading to hundreds of summary executions by security forces in the context of elections.

73. Several countries in the Latin American region experienced severe crackdowns on peaceful demonstrations in the context of an electoral period. The mandate holder also raised concerns in relation to harassment of and threats against election observers.[45]

G. Negative impact of rising populism and extremism

74. In 2016, a report was presented under the mandate focusing on how fundamentalism could spur intolerance that leads to violations of the rights to freedom of peaceful assembly and of association, and highlighting the responsibilities of States and non-State actors regarding the prevention of and remedies for violations (A/HRC/32/36). The mandate holder developed four overarching categories of fundamentalism: (a) market fundamentalism; (b) political fundamentalism; (c) religious fundamentalism; and (d) cultural and nationalist fundamentalisms.

75. In the case of market fundamentalism, the mandate holder took up cases in which the economic and financial stability of a country were used as reasons to suppress peaceful protests. While economic activity is important, it is not one of the grounds enumerated in the International Covenant on Civil and Political Rights for permissible restriction of peaceful assembly and association rights. States tread a dangerous path when they prioritize the freedom of the market over the freedom of human beings. The economic rights of investors should never trump fundamental human rights in the Covenant (see A/HRC/32/36, para. 34).

76. In the most extreme cases of political fundamentalism, opposition political parties are not permitted to exist and challenges to the ruling party are not tolerated. State

[44] See Malawi: MWI 3/2011; Senegal: SEN 1/2012; Zimbabwe: ZWE 3/2012, ZWE 4/2012, ZWE 5/2012, ZWE 8/2012, ZWE 9/2012 and ZWE 1/2013; Swaziland: SWZ 2/2012 and SWZ 3/2012; Kenya: KEN 1/2013 and KEN 8/2013; Burundi: BDI 1/2014; Democratic Republic of the Congo: COD 3/2015, COD 4/2015, COD 5/2015, COD 1/2016, COD 3/2016, COD 2/2016, COD 4/2016, COD 5/2016 and COD 7/2016; Ethiopia: ETH 5/2014, ETH 7/2014, ETH 2/2015, ETH 4/2015, ETH 5/2015, ETH 2/2016 and ETH 5/2016; Congo: COG 2/2015 and COG 1/2016; Gabon: GAB 1/2016; Gambia: GMB 1/2016 and GMB 1/2017; Uganda: UGA 2/2016, UGA 3/2016 and UGA 5/2016; Chad: TCD 1/2016, TCD 2/2016 and TCD 3/2016; Kenya: KEN 3/2016, KEN 4/2016, KEN 5/2016, KEN 6/2016, KEN 3/2017 and KEN 6/2017.

[45] See Ecuador: ECU 1/2017; Bolivarian Republic of Venezuela: VEN 5/2013 and VEN 15/2015.

structures employ violence and punishments that often amount to gross human rights violations in order to create a climate of fear that pre-empts any challenge to the current system of government and to the ideology underpinning it. The institutions and officials involved are not held accountable. The ruling party is considered the superior leading force of the society and the State, organizing and guiding common efforts, effectively eliminating the ability of those with competing ideologies to engage seriously in public life. The rights to freedom of peaceful assembly and of association are guaranteed by the Constitution, but in practice those rights cannot be used to peacefully criticize the ruling party or its policies (see A/HRC/32/36, paras. 46–51).

77. In some countries, all political power is concentrated in the hands of a single person or family, and is sometimes passed on hereditarily. In extreme cases, the right to freedom to form associations is virtually non-existent and political parties are banned. In other contexts, participants in peaceful assemblies, opposition figures and critics are regularly harassed by the State, and those who advocate democratic reforms are regularly imprisoned or threatened with imprisonment.

78. Religious fundamentalism restricts freedom of thought and often causes undue restrictions to freedom of association. In some countries, followers of faiths that are not officially recognized are effectively denied the rights to freedom of peaceful assembly and of association in a religious context. The report highlights the fact that anti-religious fundamentalism can be as harmful to assembly and association rights as religious fundamentalism (see A/HRC/32/36, paras. 57–66).

79. The report stressed the dangers that cultural and nationalist fundamentalisms pose to the enjoyment of the rights to freedom of peaceful assembly and of association. Anti-immigration sentiments, often based on cultural and nationalist ideologies, have strengthened the popularity of many right-wing political parties, especially in countries of the Group of Western European and other States. Extreme concern is voiced in the report about the fact that the acceptance and adoption by political actors of attitudes of cultural or national superiority have triggered a process of gradually legitimizing racism and xenophobia, which has had major consequences for the enjoyment of human rights (see A/HRC/32/36, paras. 69–70). One issue of particular concern is the criminalization of the activities of associations and individuals helping undocumented migrants.

H. Obstructions encountered in the digital space

80. With the increase in the exercise on the Internet of the rights to freedom of peaceful assembly and of association, warnings were issued under the mandate against regulations and practices that seek to curb the enjoyment of those rights online. While the Human Rights Council, in its resolution 24/5, reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, a number of communications shed light on the threats that the human rights of those associating and assembling online faced.

81. The increased use of the Internet, in particular social media, and other information and communication technologies, as basic tools that enable individuals to organize peaceful assemblies was noted in a report issued under the mandate. However, some States clamped down on those tools to deter or prevent individuals from exercising their right. In that regard, the Special Rapporteur refers to a recent report in which the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression recommended, inter alia, that all States should ensure that Internet access was maintained at all times, including during times of political unrest (see A/HRC/17/27, para. 79), and that any determination on what website content should be blocked must be undertaken by a competent judicial authority or a body that was independent of any political, commercial or other unwarranted influences (ibid., para. 70).

82. In a report issued under the mandate in 2013, the utmost importance of new communication technologies, including the Internet and mobile telephones, in organizing peaceful assemblies was again stressed. Such technologies allow organizers to mobilize large groups of people in a prompt and effective manner, and at little cost (see

A/HRC/23/39, para. 72). Their importance was highlighted by both panellists and delegations during the Human Rights Council panel discussion on the promotion and protection of human rights in the context of peaceful protests (see A/HRC/19/40, paras. 8, 16 and 52). It should be noted that individuals who post calls for assemblies on social media should not be considered as organizers, as was regrettably the case in Malaysia, for instance (see A/HRC/23/39, para. 72).

83. A report issued under the mandate in 2014 indicated that, with youth being the most active social media users overall, restrictions placed on access to social media sites would disproportionately affect their ability to organize and mobilize for their common interests. The perception that youth in general lacked maturity and were therefore incapable of participating fully in public affairs often formed the backdrop against which some Governments felt the need to filter and dictate media content made available in their countries (see A/HRC/26/29, para. 63).

84. The cases taken up by the mandate holder, particularly regarding countries in Asia, concern: prohibitions of the use of private websites, including social networking websites such as Facebook and Twitter to disseminate any information about politics, economics and cultural affairs that is regarded as general or public; the imposition of severe and disproportionate penalties on persons charged with writing or publishing fake or defamatory information online; the use of overly broad provisions that lack sufficiently clear definitions and that permit authorities to criminalize online expression and to gain access to Internet data without any judicial control; and the imposition of undue restrictions on the right to freedom of expression and opinion on the Internet, among others.[46]

85. The communications issued under the mandate increasingly identified violations of bloggers' human rights as an emerging trend in a number of countries, mainly in Africa and Asia.[47]

IV. Conclusions and recommendations

86. **The trends highlighted in the present report confirm worrying patterns of the closing of civic space around the globe that have resulted in serious limitations on the exercise of the rights to freedom of peaceful assembly and of association. While acknowledging the efforts of some States to mitigate these trends, the Special Rapporteur is concerned about the growing number of restrictions documented across all regions, particularly in the name of protecting State security and national stability.**

87. **Since the creation of the mandate, extensive work has been carried out to contribute to the development of the normative framework for the exercise of the rights to freedom of peaceful assembly and of association. That work includes the issuing of recommendations and guidelines intended to facilitate the promotion and protection of these rights by taking into consideration the concerns that States have raised in relation to the need to preserve democratic values while protecting their own security interests.**

88. **The trends identified illustrate subtle and complex variations, given that contexts differ. In this regard, the Special Rapporteur is encouraged by the interest shown by States and other stakeholders who have provided substantive responses to the allegations transmitted through the mandate. The Special Rapporteur views the mandate as an ongoing opportunity for dialogue that will allow for a better balance of the exercise of rights and the legitimate interests of States.**

89. **Over the next three years, the Special Rapporteur will tackle the challenges identified through these trends by engaging, and deepening the channels of communications, with State and non-State actors and civil society actors, including**

[46] See Viet Nam: VNM 7/2013; Bangladesh: BGD 9/2013, BGD 10/2013, BGD 11/2013 and BGD 14/2013; Pakistan: PAK 13/2015 and PAK 8/2016; Lao People's Democratic Republic: LAO 1/2014.

[47] See Viet Nam: VNM 1/2017; Saudi Arabia: SAU 09/2012, SAU 8/2013, SAU 2/2014, SAU 13/2014, SAU 14/2014, SAU 1/2015, SAU 5/2016 and SAU 17/2017.

human rights defenders, to strengthen and share good practices and raise concerns when negative practices prevail.

90. **The Special Rapporteur will provide continuity with the work carried out by his predecessors, and will continue working closely with States, civil society actors, national human rights institutions, international organizations, non-State actors, including private business, and all relevant stakeholders to uphold the highest standards of protection of the right to freedom of peaceful assembly and of association.**

91. **The Special Rapporteur will also work hand-in-hand with those special procedure mandate holders with whom he shares issues of common interest, and will devote significant effort to strengthening cooperation with regional human rights mechanisms.**

92. **As a part of future thematic reporting, the Special Rapporteur will seek to develop the interrelationship between the exercise of the rights to freedom of peaceful assembly and of association and the enjoyment of all human rights, including the role that the exercise of these rights has in the implementation of the 2030 Agenda for Sustainable Development.**

93. **Throughout his reports, the Special Rapporteur will take a pragmatic approach to his work, providing practical recommendations and developing tools to support the effective action of all stakeholders.**

94. **The Special Rapporteur views the mandate as being a catalyst for dialogue at different levels that is conducive to positive change for societies, and will continue working to open new spaces where the mandate holder's advocacy efforts are relevant.**

95. **In the light of the above, the Special Rapporteur makes the following recommendations to States:**

(a) **Cooperate with the mandate by providing detailed and substantive responses to the communications brought to their attention. Communications are an important tool that allows States and the mandate to interact regarding specific situations affecting the enjoyment of the rights to freedom of peaceful assembly and of association. They also represent an opportunity for States to demonstrate their willingness to address concerns and share good practices, and are a barometer that can be used to measure a State's commitment to the protection of these rights;**

(b) **Actively seek the support of the mandate holder when technical cooperation and capacity-building is needed, especially in relation to the enactment of new legislation that could affect the exercise of the rights to freedom of peaceful assembly and of association;**

(c) **Take inspiration from the good practices documented in numerous reports by the Special Rapporteurs' predecessors. These good examples show, among other things, that it is possible to develop legislation and policies that adequately protect freedom of peaceful assembly and of association while addressing security concerns. In particular, the Special Rapporteur recalls the section on best practices related to the rights to freedom of peaceful assembly and of association contained in the 2012 report of the mandate holder (see A/HRC/20/27, paras. 12–81). The Special Rapporteur draws attention to the 2016 joint report of the mandate holder and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies outlining 10 principles for the proper management of assemblies (A/HRC/31/66);**

(d) **Support the implementation of policies and initiatives that promote tolerance and cultural integration and fight populism and extremism. End the persecution and repression of civil society and social movements and recognize the important and legitimate role that they play in shaping governance, the rule of law, inclusiveness and development across all regions;**

(e) Ensure that victims of violations and abuses have the right to an effective remedy and obtain redress.

96. **Lastly, the Special Rapporteur encourages other actors, such as national human rights institutions, international organizations, including United Nations institutions, bodies and mechanisms, civil society actors and other non-State actors, including private businesses, to continue advocating the exercise of the rights to freedom of peaceful assembly and of association.**